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Security Council

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Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia

Note verbale dated 15 July 2002 from the Permanent Mission of Poland to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Poland to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 751 (1992) and, with reference to Security Council resolution 1407 (2002) of 3 May 2002, has the honour to submit the annexed information concerning the measures taken by the Government of the Republic of Poland to ensure full implementation of the arms and military equipment embargo against Somalia.

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Annex to the note verbale dated 15 July 2002 from the Permanent Mission of Poland to the United Nations addressed to the Chairman of the Committee

Information on the implementation by the Republic of Poland of Security Council resolution 733 (1992)

1. The rules governing the implementation by Poland of sanctions relating to weapons and military equipment are based on the international obligations resulting from Poland's participation in international organizations. As a Member of the United Nations, Poland attaches particular importance to the full implementation of Security Council resolutions. In consequence, with the adoption of resolution 733 (1992) any deliveries of arms to Somalia were prohibited. Polish companies comply fully with resolution 733 (2002). Having been informed about the international obligations of Poland in this area they do not submit applications for arms export permits to Somalia. Any involvement in illegal transactions would be considered by the Polish authorities as a criminal act and would be prosecuted.

2. One of the elements of the mechanism of implementation and enforcement of sanctions imposed by the Security Council is an interdepartmental system of export control. According to the Law of 29 November 2000 on the control of external trade in goods, technologies and services of strategic importance for state security and for the maintenance of international peace and security, all external arms transactions require the permission of the Ministry of Economy. The Law prohibits any external transactions which would be contrary to Poland's international obligations. This means that the export of arms to States to which relevant Security Council sanctions apply is by definition prohibited.

3. In accordance with the above and on the basis of the Polish legislation on export control, appropriate authorities (in this case the Ministry of the Economy) are obliged to reject all applications for the export of arms to Somalia. This refers also to all applications for transit through the territory of the Republic of Poland.

4. In accordance with the above-mentioned Law all kinds of participation in arms trade (brokerage, consulting, transport and financial services) are subject to control and require a special permit from the Ministry of the Economy as in the case of export. Taking into account that, in many cases disclosed by the United Nations experts, violation of Security Council embargoes has been possible because of the activities of dishonest or illegal international brokers or transport agents, introduction by Poland of this kind of control significantly limits the risk of non-compliance with sanctions on the part of Polish companies.

5. Furthermore, according to the aforementioned Law of 29 November 2000, exporting entities are obliged before applying for individual permits for strategic products trade (arms and double-use materials) to determine whether:

- the end-user intends to use the weapons to violate human rights and fundamental freedoms
- the arms supply will be a threat to peace or in any other way contribute to destabilization in the region

- the recipient country supports, facilitates or encourages terrorism or international crime

- the arms might be used other than to fulfil justified needs of protection and security of the recipient country.

To verify this criteria all companies are obliged by the previously mentioned Law to create internal export control systems, which are subject of certification according to the ISO 9001 standard.

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Note verbale dated 8 July 2002 from the Permanent Mission of Bulgaria to the United Nations addressed to the Committee

The Permanent Mission of the Republic of Bulgaria to the United Nations presents its compliments to the secretariat of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia and has the honour to submit the following information on the measures taken by the Republic of Bulgaria to ensure the full and effective implementation of the arms embargo against Somalia.

There is an existing Law on Foreign Trade in Arms and Dual-Use Goods and Technologies in Bulgaria, which provides the terms under which foreign trade in arms and dual-use goods and technologies can be conducted, and the control of the State over these activities.

According to article 4, paragraph 1, subparagraph 3, of the Law, the Republic of Bulgaria can introduce restrictions and impose bans on foreign trade in arms and dual-use goods and technologies, when the State has become party to international conventions on non-proliferation of arms or when it has assumed such obligations on the basis of membership in international organizations, as well as when the Security Council has imposed sanctions against a specific State.

According to article 9, paragraph 2, of the Law, foreign trade in arms and dual-use goods and technologies for which there are restrictions imposed under article 4 is conducted on the basis of a permit for each transaction, issued by an authority specified by the Council of Ministers and headed by a Minister.

This authority, specified in article 2 of the Regulation on Implementation of the Law on Foreign Trade in Arms and Dual-Use Goods and Technologies, is the Commission on Control and Permission of Foreign Trade in Arms and Dual-Use Goods and Technologies at the Ministry of the Economy. The Commission is chaired by the Minister of the Economy and includes representatives of the Ministry of the Economy, the Ministry of Defence, the Ministry of the Interior and the Ministry of Foreign Affairs.

Besides the above-mentioned normative acts, regulating the foreign trade in arms and dual-use goods and technologies, there is Decree No. 91 of the Council of Ministers of 4 April 2001 confirming the list of States and organizations against

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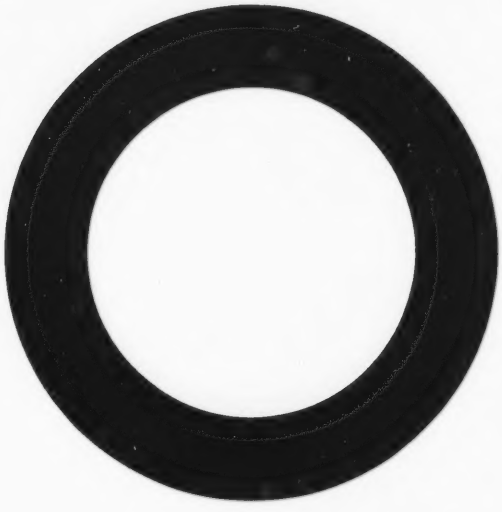
which the Republic of Bulgaria enforces bans or restrictions on the sale and supplies of arms and related equipment in accordance with the Security Council resolutions and the EU and OSCE decisions. In the Decree Somalia is included under number 17.

These normative documents provide the necessary legal and administrative framework for the effective adherence to the arms embargo imposed on Somalia under Security Council resolution 733 (1992). It is necessary to emphasize that the Commission on Control and Permission of Foreign Trade in Arms and Dual-Use Goods and Technologies has not issued a permit for export of arms and military equipment to Somalia.



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Note verbale dated 8 August 2002 from the Permanent Mission of Ireland to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Ireland to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 751 (1992) and, with reference to Security Council resolution 1407 (2002) of 3 May 2002, has the honour to communicate the following information concerning the implementation of the United Nations sanctions against Somalia as established by Security Council resolution 733 (1992).

The arms embargo against Somalia imposed by the Security Council under paragraph 5 of resolution 733 (1992) is implemented in Ireland by virtue of the Control of Exports Order, 2000 (Statutory Instrument 300 of 2000), made pursuant to the Control of Exports Act 1983. The Order prohibits the export of weapons and military equipment except under and in accordance with a licence. The Order replaced the Control of Exports Order, 1996 (Statutory Instrument 363 of 1996), which in turn replaced the Control of Exports Order, 1983 (Statutory Instrument 405 of 1983), both of which prohibited the export of weapons and military equipment on similar terms.

The export of military goods in contravention of the Control of Exports Order 2000 is punishable, under the Customs Act of 1956, by a fine not exceeding three times the value of the goods. In addition, the Control of Exports Act 1983 provides that a fine not exceeding €13,000 or three times the value of the goods, whichever is the greater, and/or imprisonment for a term not exceeding two years, may be imposed in circumstances where false or misleading information has been provided for the purpose of obtaining a military export licence.

The restrictions on exporting dual-use goods are implemented through article 4, paragraph 2, of the European Communities Council regulation 1334/2000, which is directly applicable in all member States of the European Union, including Ireland. By virtue of the European Communities (Control of Exports of Dual-Use Items) Regulations 2000 (Statutory Instrument 317 of 2000), a breach of regulation 1334/2000 is punishable in Ireland by a fine not exceeding €1,900 and/or imprisonment not exceeding 12 months.

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